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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,983	07/03/2003	Aldo Rebsamen	GR 01 P 00076	4176
24131 7590 06/19/2007 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER KHATTAR, RAJESH	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,983	<b>Applicant(s)</b> REBSAMEN, ALDO	
	<b>Examiner</b> Rajesh Khattar	<b>Art. Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Acknowledgements***

This office action is in response to the Applicant's communication filed on April 26, 2007. Claim 1 has been canceled. Claims 2-20 have been amended. New claim 21 has been added. As such claims 2-21 are pending in the application.

### ***Response to Arguments***

Applicant's arguments (filed on April 26, 2007) with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to specification and claim objection cited in the previous office action dated Jan. 26, 2007, these objection(s) have been withdrawn as Applicant's amendment has addressed the issue.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger et al. Canadian Patent Application No. 2,384,556 (herein after Bachtiger '556) in view of Kogen et al. US Patent No. 6,687,714 (herein after Kogen '714) and further in view of Lueder et al. US Patent No. 6,154,146 (herein after Lueder '146).

Bachtiger '556 discloses a method of recording and billing for a service, the recorded service relating to the ticket being in a recording zone assigned to the service, the ticket including a storage device and a communication device, the method comprising the steps of:

providing a shadow account on the ticket;

transmitting first information units from a transceiver located in the recording zone to the ticket, the first information units including an identification of the service and of a provisional tariff unit (claim 34; Table 4 and page 13, lines 21-32);

updating a shadow account balance stored in the storage device of the ticket, using the provisional tariff unit communicated to the ticket in the first information units, thereby generating an updated shadow account balance;

transmitting second information units from the ticket to the transceiver, the second information units including information about the location and identity of the ticket (page 4, lines 20-24; claim 2; Table 4; and page 13, lines 21-32; claims 18 and 19);

adding date and time information to the second information units so as to generate modified second information units at the transceiver (claim 2);

transmitting the modified second information units to a remote computer at times that are independent of the transmission of the first and second information signals, the remote computer being in communication with a storage medium containing information of an account associated with the identity of the ticket (Applicant's disclosure on page 1,

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lines 21-29; Bachtiger '556 patent is english version of the International Patent Application WO 01/20557 A1); and

posting information relating to the recorded service derived using actual tariff units to the account associated with the identity of the ticket, thereby generating an updated actual account balance (p17, lines 21-23; Applicant's disclosure on page 1, lines 21-29 and page 3, lines 30-38).

Bachtiger '556 neither specifically teach the creation of a shadow account on the ticket nor does it describe determining provisional tariff and posting the provisional tariff to the account. However, Kogen '714 discloses providing a shadow account on the ticket (column 9, line 38-46).

Kogen '714 does not specifically teach determining/posting provisional tariff to the shadow account.

Lueder discloses determining a provisional tariff for said service and posting provisional tariff to an account (col. 3, lines 19-47) and thereby generating an updated account balance (which is the intended or expected result), said posting being in response to a registration for said service.

Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the teachings of Bachtiger '556 to include the steps of creating a shadow account on the ticket as taught by Kogen '714 and further to include the step of determining/posting the provisional tariff to the account as taught by Lueder '146. One would have been motivated to do so in order facilitate

registration of the ticket in the event that the ticket holder is in an area where periodic updates from the remote computer is not possible.

Claim 2 is rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556. Bachtiger '556 teaches the ticket to possess a display element for displaying information (page 4 line 25-28 also see claim 17); and said method further comprises the step of displaying said updated shadow account balance and said provisional tariff on said display (allows general or specific information to be displayed; page 4, lines 25-28, also see claim 17 and p22, lines 27-31).

Claim 3 is rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556. Bachtiger '556 teaches the step of broadcasting a fifth data field so as to cause tickets located within the range of said broadcasting to display said provisional tariff and said updated shadow account balance on said display (allows general or specific information to be displayed; page 4, lines 25-28, also see claim 17).

Claim 4 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556. Bachtiger '556 teaches that the step of broadcasting is performed from at least one transmitter to a plurality of areas defining at least one of a boarding zone and a passageway zone and the tickets are located within the said areas (p36, claim 14).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger et al. Bachtiger '556 teaches the steps of transmitting said updated actual modified account balance to said ticket; and replacing said shadow account balance with said

account balance (the bidirectional communication allows update of data records, p4, lines 20-24).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger '553. Bachtiger '556 teaches the steps of transmitting updated actual modified account balance and shadow account balance are performed periodically (the bidirectional communication allows the periodical update of data records, p. 4, lines 20-24).

Claims 14-17 are rejected over Bachtiger '556. Bachtiger '556 teaches a method for registering tickets wherein the step of storing is limited to fields identifying said ticket (p.17, lines 9-20) and the step of storing further comprises the step of assigning a plurality of fields identifying said ticket to a one of said ticket accounts (p.13, Table 4).

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger '556. Bachtiger teaches a step of posting is dependent upon at least one of a sum of said actual tariff, timing of said service, and type of service (p. 17, lines 21-23)

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger '556. Bachtiger '556 teaches a method of registering a ticket wherein the computer is functionally associated with a database (p15, line 6-10 and p. 17, lines 9-20) and the database comprising data records identifying said tickets (p 17, lines 9-20), and said data records periodically updated so as to indicate an updated actual account balance (which is the intended/expected result), and ticket usage status (see e.g. p17, lines 9-20, the ticket records are transmitted immediately after registration or after the established completion of a journey; see e.g. p39, claim 25, the presence of tickets is

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registered at least once as a ticket record; and p. 4, lines 20-24, the bidirectional communication allows the periodical update of data records).

Claims 12-13 are rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556 in view of Kogen '714 and Lueder '146 and further in view of Hessett , US Patent No. 5,253,162 (herein after Hessett '162). Bachtiger '556 discloses a method of registration of ticket. Kogen '714 teaches the use of shadow account. Lueder '146 discloses provisional tariff. Bachtiger '556, Kogen '714 and Lueder '146 fail to specifically disclose the step of comparing the balance of shadow account with provisional tariff and displaying an identifier on the ticket. Hessett '162 teaches this limitation (balance of account; col. 3, lines 1-7; provides the vehicle operator with an alarm message, which can include, e.g., an audible alarm and a visual display such as "INSUFFICIENT-MERGE LEFT"; col. 5, lines 23-42; col. 7, lines 1-12).

Therefore, it would have been obvious for a person with ordinary skills in the art at the time the invention was made to modify the teachings of Bachtiger '556, Kogen '714 and Lueder '146 to incorporate the teachings of Hessett '162. One would have been motivated to do so in order to alarm the ticket holder.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556 in view of Kogen '714 and Lueder '146 and further in view of Hessett, US Patent No. 5,351,187 (herein after Hessett '187). Bachtiger '556 discloses a method of registration of ticket. Kogen '714 teaches the use of shadow account, Lueder '146 discusses determining/posting provisional tariff to the account. Bachtiger '556, Kogen '714 and Lueder '146 fail to specifically disclose the use of an actuating element that



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possesses an on/off function. Hessel '187 teaches that the transponder (ticket as described in the claimed invention) contains actuating device, which can be activated/deactivated by an operator (on/off switch). The activation of the actuating device results in setting at least one of a registered service and charging related parameters (col. 3, lines 20-50).

Therefore, it would have been obvious for a person with ordinary skills in the art when the invention was made to modify the teachings of Bachtiger '556, Kogen and Lueder '146 to include an actuating device on the ticket with an on/off switch. One would have been motivated to do so in order for the ticket to continuously process charge related parameters.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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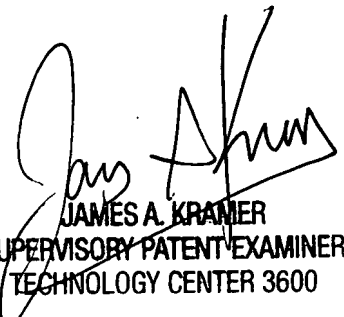
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner works on Flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK  
June 7, 2007

 6/8/07  
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